

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6391

BILL NUMBER: SB 151

NOTE PREPARED: Dec 12, 2012

BILL AMENDED:

SUBJECT: Passenger Restraint Systems for Children.

FIRST AUTHOR: Sen. Skinner

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes it a:

1. Class D felony for a person to operate a motor vehicle carrying a child who is not properly restrained if the motor vehicle is involved in an accident that causes serious bodily injury to the child; and
2. Class C felony if the accident results in the death of the child.

The bill also makes conforming amendments.

Effective Date: July 1, 2013.

Explanation of State Expenditures: There were 4,147 people in FY 2011, and 4,084 in FY 2012, who were found guilty of child restraint violations, a Class D infraction. However, there are no data available to indicate how many of those violations resulted in serious bodily injury to the child or resulted in the child's death. The bill could result in additional state expenditures for incarceration and additional revenue to the Common School Fund.

State expenditures could increase if an offender is incarcerated in a state prison rather than paying a fine. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$18,582 in FY 2012. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. The estimated

average cost of housing a juvenile in a state juvenile facility was \$78,318 in FY 2012. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months and approximately two years for all Class C felony offenders.

Explanation of State Revenues: Additional Common School Fund revenue could be collected if the penalty for child restraint cases involving serious bodily injury and death is enhanced to a Class D or a Class C felony. The maximum fine for a Class D or a Class C felony is \$10,000. A Class D infraction for a child restraint violation without serious bodily injury or death would remain at \$25 and would continue to be deposited in the Child Restraint System Account.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund. If court actions are filed and a judgment is entered for a Class D infraction, the court fee is \$70.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: Court fees for felonies are \$120 and \$70 for infractions. If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; Department of Correction.

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